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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,330	03/28/2001	Akira Matsumoto	939_023	4237

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EXAMINER

PATEL, TULSIDAS C

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Attorney Brown Sack  
Amendment filed on 9/18/03  
12/18/03

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/819,330	MATSUMOTO ET AL. <i>mu</i>	
Examiner	Art Unit		
T. C. Patel	2839		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 April 2003 .

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.      6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### *General Status*

1. This is a First Action on the Merits for RCE. Claims 1-16, are pending in the case.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 depends from claim 1 however fails to further limit claim 1. The inequality  $L/6 \leq Y \leq L/2$  of claim 1 is narrower than inequality  $L/4 \leq Y \leq L$  of claim 7, hence claim 7 fails to further limit claim 1, and hence claim 7 is vague and indefinite.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (US 4,875,969).

Hsu, in figures 1 and 2 discloses fiber optic array comprising a holding member 17 including a substrate with flat surface on opposite sides of a group of V-shaped grooves 28b formed therein, the outermost fiber 33, which is 100 microns in diameter (see Table-I), is disclosed to be distanced from the edge of the base plate and it would be obvious for one of ordinary skill in the art to make the first groove more than 5 times the radius of the fiber away from the edge so as to obtain sufficient support surface for the cover plate. The pitch between the grooves is disclosed to be 150 microns. Grooves are 70 degree grooves (also see sketch-2 attached) and the calculated distance L is  $R * \sin 45 + R$  or 78.68 microns and height of adhesive or 'Y' is 32.92 microns and therefore, value of Y satisfies the equation  $L/6 \leq Y \leq L/2$ . For claim 2, the amount to which the fiber protrude above the surface is the same as the distance between the substrate 17 and cover plate 21 (figure 2). For claims 3 and 7, the thickness relationship  $L/4 \leq Y = L$  is also satisfied with the dimensions calculated in the sketch-2. For claims 4, 8 and 9, the adhesive disclosed is epoxy based (column 3, line 44). For claims 6 and 13-15, figure 5 discloses a step portion where covered portion of the fibers are positioned.

6. Claims 5, 6 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of EP 943, 942.

As discussed above, Hsu satisfies the limitations of claims 1-4 and 7-9. However, Hsu does not disclose a step between a placement face and a rear part groove forming face and width of cover plate being different than the holding member. EP 943 942, in figure 1

discloses a step portion between a placement face and a rear part groove forming face and in figure 5, discloses cover plate being different than the holder and also discloses a step at 58.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a step between the placement face and rear face of the base plate as well as provide width of cover plate different than the base plate for the device of Hsu as taught by EP '942, so as to lay the fiber in the base plate in an aligned manner between the rear part with jacket and the front part of the optical fiber without jacket and also provide cover plate having width different than the base plate for soldering the cover plate with the base plate or holder.

#### *Response to Arguments*

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of new ground of rejection.

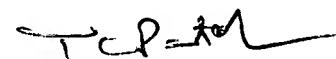
The Applicant amended claim 1 and now the inequality has been changed. Applicant also provided a new reference of Hsu. The Examiner has rejected all the claims on the bases of Hsu reference in combination with EP '942 reference. The Examiner has withdrawn the rejection based on Ota and Watanabe references. The amendment to claim 1 also created 35 USC 112, second paragraph rejection for claim 7 and the examiner has added that rejection above.

#### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. C. Patel whose telephone number is (703) 308-1736. The examiner can normally be reached on 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (703) 308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1736.



T. C. Patel  
Primary Examiner  
Art Unit 2839

tcp  
May 7, 2003